

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of New Jersey

Newark Division

Case No. _____

(to be filled in by the Clerk's Office)

LYNN AWKWARD

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

STATE OF NEW JERSEY, and DAVID P.
CARROLL, in his individual and official capacity

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Lynn Awkward		
Address	80 W. Passaic Ave		
	Bloomfield	NJ	07003
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Essex		
Telephone Number			
E-Mail Address	wisdomlit@yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	STATE OF NEW JERSEY		
Job or Title <i>(if known)</i>	Policy Making Political Body		
Address	125 West State Street		
	Trenton	NJ	08625
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Mercer		
Telephone Number	609-847-3150		
E-Mail Address <i>(if known)</i>			
	<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity		

Defendant No. 2

Name	David P. Carroll		
Job or Title <i>(if known)</i>	Court Officer		
Address	50 West Market St.		
	Newark	NJ	07102
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Essex		
Telephone Number	973-227-2848		
E-Mail Address <i>(if known)</i>			
	<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity		

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Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Defendant subjected the plaintiff to threat, duress and coercion in violating his rights of Due Process and Equal Protections under the 4th, 5th & 14th Amendments to the U.S. Constitution.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendant Carroll, as an officer of the court, caused to be sent to Plaintiff a "Notice To Defendant" which stated a threat to take action which was not authorized by the U.S. Constitution. Defendant Carroll threatened to enter Plaintiff's home for the purpose of levying & selling Plaintiff's personal property. Defendant New Jersey created or authorized policy in which Defendant Carroll used under color of state law to violate Plaintiff's rights.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Defendant Carroll used the U.S. Mail to send a threatening notice.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Notice was dated January 18, 2019.

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

On or about January 18, 2019, Defendant Carroll, as an officer of the court, caused to be sent to Plaintiff a "Notice To Defendant", signed by Defendant Carroll. In said notice, Defendant Carroll threatened to enter Plaintiff's home for the purpose of levying & selling Plaintiff's personal property. Defendant New Jersey created or authorized policy in which Defendant Carroll used under color of state law to violate Plaintiffs rights.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Defendant Carroll's direct and proximate action caused Plaintiff to suffer emotional distress and mental anguish. Plaintiff suffers and lives in anxious fear of these threats and has lost sleep, experiences disruptive thoughts of Defendant Carroll bursting into Plaintiff's home with the intent to cause Plaintiff harm. It is difficult for Plaintiff to live a calm and peaceful life.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff requests this Court to issue an Order restraining Defendant Carroll from taking actions that violate Plaintiff's rights. Plaintiff requests this Court to enjoin Defendant New Jersey from creating/enforcing policy that violates Plaintiff's rights. Plaintiff requests this Court to impose relief in the form of punitive damages against Defendant Carroll in the amount of \$10,000. Plaintiff requests this Court to impose actual damages against Defendant Carroll in the amount of \$5,000. The basis for the punitive damages is to encourage the Defendants to cease their unlawful acts. The basis for the actual damages is for compensation for suffering emotional distress mental anguish and anxiety.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

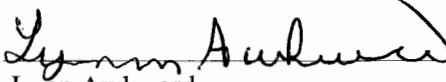
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/19/2019

Signature of Plaintiff

Printed Name of Plaintiff


Lynn Awkward

B. For Attorneys

Date of signing:

Signature of Attorney

N/A

Printed Name of Attorney

Bar Number

Name of Law Firm

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Address

City

State

Zip Code

Telephone Number

E-mail Address



David P Carroll Court Officer
P O Box 1196
West Caldwell, NJ 07007

Court Officer
SUPERIOR COURT OF NEW JERSEY
Special Civil Part, County of Essex

At the Suit Of:
Midland Funding LLC

Superior Court of New Jersey
50 West Market Street
Newark, NJ 07102

Plaintiff

Lynn Awkward
80 W Passaic Ave
Bloomfield, NJ 07003

On Execution

Docket DC-010112-17

Writ No. 1

Defendant

File No. 30880

Notice To Defendant

On 7/20/2018 a judgment was entered against you by this court
In the Amount of \$5,126.79 with a balance of \$5,126.79

To date, this judgment remains unpaid. Unless you contact me immediately and make satisfactory arrangements to pay the total due, I shall apply to the court for an Order permitting me to enter your home (or business) to levy household goods and furnishings (or business assets) , inventory them and have them appraised so that the value in excess of \$1,000 may be sold at public auction the highest bidder to satisfy the judgment.

01/18/2019

dated

Ex Custan

Make and Mail All Checks To:

COURT OFFICER DAVID P. CARROLL, TRUSTEE

Sincerely,

c/o David P Carroll Court Officer
P O Box 1196
West Caldwell, NJ 07007

David Carroll

tel.: (973) 227-2848

David P Carroll Court Officer
N.J. Superior Court, Essex County

fax.: (973) 882-3525

IMPORTANT: Please use the docket number on all correspondence and on all checks.

Please Pay By



PAST DUE